

ORDINANCE NO. 2010-10

AN ORDINANCE OF THE CITY OF SEDONA, ARIZONA, AMENDING THE CITY OF SEDONA LAND DEVELOPMENT CODE BY REPLACING APPENDIX A (“*SEDONA AREA LANDSCAPE PLANT LIST*”), CHAPTER 7 OF THE DESIGN REVIEW MANUAL, ARTICLE 10, WITH NEW APPENDIX A (“*SEDONA LOW WATER USE PLANT LIST*”); PROVIDING THAT ALL ORDINANCES OR PARTS OF ORDINANCES OR ANY PART OF THE CITY OF SEDONA LAND DEVELOPMENT CODE IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE SHALL BE REPEALED UPON THE EFFECTIVE DATE OF THIS ORDINANCE; AND DESCRIBING PENALTIES THERETO

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SEDONA, ARIZONA, AS FOLLOWS:

Section 1. Adoption by Reference

The proposed amendment to the City of Sedona Land Development Code (LDC), Article 10, Design Review Manual, Chapter 7, replacement of Appendix A (“*Sedona Area Landscape Plant List*”) with new Appendix A (“*Sedona Low Water Use Plant List*”), established as a public record by Resolution No. 2010-_____, is hereby referred to, adopted, and made a part hereof, as if fully set forth in this Ordinance, and serve to amend the City of Sedona Land Development Code in accordance with the provisions thereof.

Section 2. Repeal

All ordinances or parts of ordinances or any part of the City of Sedona Land Development Code in conflict with the provisions of this Ordinance, including current Appendix A, Chapter 7 of the Design Review Manual, incorporated in Article 10, are hereby repealed to the extent of such conflict as of the effective date hereof.

Section 3. Savings Clause

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance. The City Council declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, despite the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions thereof would be declared invalid or unconstitutional.

Section 4. Penalty

Except as otherwise provided, any person found guilty of violating any provision of the City of Sedona Land Development Code, and any amendment thereto, or any order or regulation made therein, including the failure to perform any act or duty so required, shall be guilty of a Class 1 misdemeanor, and, upon conviction, shall be punished by a fine not to exceed two thousand five hundred dollars (\$2,500.00), or by imprisonment for a period not to exceed six (6) months, or by both fine and imprisonment. Probation may be imposed in accordance with Arizona Revised Statutes, Title 13, Chapter 9. Each day that any violation continues shall be a separate offense punishable as above

described or by civil sanction. In the alternative, an action may be commenced as a civil violation pursuant to § 1401.

PASSED AND ADOPTED by the Mayor and City Council of the City of Sedona, Arizona this 13th day of July, 2010.

Rob Adams, Mayor

ATTEST:

Randy Reed, CMC, City Clerk

APPROVED AS TO FORM:

Michael Goimarac, City Attorney